

**MINUTES OF THE REGULAR MEETING OF
THE GREENSBORO ZONING COMMISSION
APRIL 11, 2005**

A regular meeting of the Greensboro Zoning Commission was held on Monday, April 11, 2005, at 2:00 p.m., in the Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Sr., J.D. Haynes, Peter Kauber, Portia Shipman, and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

APPROVAL OF THE MINUTES OF THE MARCH 14, 2005 REGULAR MEETING AND MARCH 14, 2005 JOINT PLANNING BOARD AND ZONING COMMISSION MEETING.

Ms. Shipman moved approval of the minutes of the March 14, 2005 Regular Meeting as written, seconded by Mr. Collins. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

Mr. Kauber pointed out a correction to the minutes and moved approval of the minutes of the March 14, 2005 Joint Meeting, as corrected, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

Chair Wolf stated that there is information that Item I and Item O will be continued and asked if anyone wished to speak on these matters.

Ray Gibbs, President of Downtown Greensboro Incorporated, stated that they would like to postpone the hearing on Item O until the June meeting.

Mr. Collins moved to continue Item O until the June 2005 meeting, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

Chair Wolf stated that Attorney Isaacson had called in to request that Item I be continued due to a traffic study. Mr. Ruska stated that there was also the issue of the Planning Board meeting to hear the annexation request and the sequence is that they must hear it first.

Ms. Shipman moved to continue Item I until the June meeting, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO SINGLE FAMILY DETACHED DWELLINGS. 2) MAXIMUM OF 2 LOTS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF BELMONT STREET SOUTH OF OLD JONES ROAD – FOR DWAYNE E. STURDIVANT. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Eric Sturdivant, Triad Town & Country Realty, stated that he is returning to the Board a second time. He came before the Board in February and there were some objections from the area residents because there were no conditions to the rezoning request. The new request has conditions that seem to be agreeable to the area residents. He presented a signed petition for the Board's review.

Chair Wolf closed the public hearing.

Mr. Hails said the Generalized Future Land Use Map (GFLUM) designates this area as high density residential with Mixed Use Commercial nearby. This request supports higher density residential yet serves as a good transition between the multifamily to the south and west and the single family north and east. The conditions further improve the compatibility and staff recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Collins. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL THOSE USES PERMITTED IN THE RM-5 ZONING DISTRICT. 2) MAXIMUM OF FOURTEEN (14) TOWNHOMES DESIGNED FOR SALE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF LAKE JEANETTE ROAD BETWEEN KITLY COURT AND RIDGEDALE DRIVE – FOR GARY D. JOBE. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, stated that it is felt that this is the best use for this property as there is a growing need for quality townhomes in Greensboro.

Gary Jobe, 8 Lockridge Drive, stated that townhomes are very popular for people who don't have small children. He feels the proposed development is compatible with the surrounding neighborhoods.

There being no one to speak in opposition to the request, Chair Wolf closed the public hearing.

Mr. Hails said the request is consistent with the GFLUM as the Comp Plan designates this area as below 5 units per acre. The RM-5 district is consistent with that as are single family districts in this area. Having a variety of housing stock in a certain area in a compatible form meets other policies in the Comp Plan. Staff recommends approval of the request.

Mr. Kauber moved the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

C. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-20 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOMES DESIGNED FOR SALE OR SINGLE FAMILY DETACHED RESIDENCES. 2) MAXIMUM OF FORTY-TWO (42) TOWNHOMES. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF EAST LEE STREET BETWEEN FLORA VISTA CIRCLE AND GLEN LAUREL DRIVE – FOR MARIA W. BEST. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, stated that this project is similar to the previous request as townhomes are becoming more and more popular in these types of neighborhoods. The development provides more flexibility of land use.

David Michaels, 407 Parkway Street, presented a handout which explained the proposed project in detail. He has notified some of the neighbors of the plans for the proposed development and they have had a meeting to answer their questions and concerns about traffic.

There being no one to speak in opposition to the request, Chair Wolf closed the public hearing.

Mr. Hails said the location is designed in the GFLUM as Low Residential and the request is below 5 units per acre. Any multifamily attached housing within the development will have a landscape buffer, therefore, staff feels it is generally compatible with the surrounding area and they recommend approval.

Mr. Kauber moved the ordinance, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

D. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CONDITIONAL USE – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE HB ZONING DISTRICT, EXCEPT BILLBOARDS AND USED CAR SALES OR REPAIR. 2) UNIFIED DEVELOPMENT IN ACCORDANCE WITH ZONING SKETCH PLAN. - TO CITY ZONING CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE HB ZONING DISTRICT, EXCEPT BILLBOARDS AND USED CAR SALES OR REPAIR. 2) UNIFIED DEVELOPMENT IN ACCORDANCE WITH ZONING SKETCH PLAN. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF HIGH POINT ROAD SOUTH OF SUTTONWOOD DRIVE – FOR KEITH BADORF. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Tori Small, 4135 Mendenhall Oaks Parkway, High Point, said they are trying to annex the property. They have obtained site plan approval from the County TRC.

There being no one to speak in opposition to the request, Chair Wolf closed the public hearing.

Mr. Hails said the 2025 Future Land Use Map shows Low Residential development in this area with Mixed Use Commercial directly adjoining. That is intended to address the existing pattern of business and office use along this section of High Point Road. Staff feels it is compatible with the existing context under the fuzzy line analysis and recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RS-9 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY RESIDENTIAL. 2) MAXIMUM OF ONE HUNDRED TEN (110) LOTS. - FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF THE TERMINUS OF BRUSHY FORK DRIVE, WEST OF THE TERMINUS OF PITMAN ROAD AND WEST OF THE TERMINUS OF RONALD ROAD – FOR KEYSTONE GROUP, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Scott Wallace, 3708 Aliance Drive, stated that they want to develop the property into a single family community which is much needed for the area. They wish to change one of the conditions from 110 lots to a maximum of 91 lots.

Mr. Collins moved to accept the proposed change in the conditions, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

Mr. Wallace explained the proposed plan and pointed out the proposed roadways in the area.

There being no one to speak in opposition to the request, Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM designates this area as Mixed Use Residential and staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

F. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE CD-GB DISTRICT (#3244) IMMEDIATELY TO THE SOUTH. 2) TO BE DEVELOPED IN CONJUNCTION WITH AND UNDER THE SAME CONDITIONS AS CD-GB #3244. - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF PISGAH CHURCH ROAD BETWEEN SCOTTSDALE ROAD AND RANSOM ROAD – FOR CROWN/PISGAH CHURCH, LLC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, stated that this is a clean-up type of request and is to just to bring this tract into the city limits.

There being no one to speak in opposition to the request, Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM designates this area as Mixed Use Commercial in this location and it is also located in an activity center for which higher density uses are recommended. The conditions attached to the adjacent property and this site also ensure compatibility of design and other uses on the site and, as such, staff recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

G. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS: 1) MAXIMUM OF 2 CURB CUTS ON GROOMETOWN ROAD AT LOCATIONS APPROVED BY GREENSBORO DEPARTMENT OF TRANSPORTATION. 2) MAXIMUM OF 2 CURB CUTS ON VANDALIA ROAD AT LOCATIONS APPROVED BY GREENSBORO DEPARTMENT OF TRANSPORTATION. 3) CONVEYANCE TO THE CITY OF GREENSBORO OF AT LEAST 2 ACRES OF LAND ALONG EASTERN BOUNDARY OF PROPERTY AT APPROXIMATE LOCATION AS SHOWN ON EXHIBIT “A” FILED WITH THIS APPLICATION. 4) THE PROPERTY WILL BE DEVELOPED WITH CROSS ACCESS AMONG PARCELS. TO CONDITIONAL DISTRICT - GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE LB ZONING DISTRICT. 2) MAXIMUM OF 6,500 SQUARE FEET OF GROSS FLOOR AREA SHALL BE PERMITTED FOR A RESTAURANT. 3) PROPERTY SHALL REMAIN IN THE SEDGEWOOD VILLAGE IMUD AND SHALL COMPLY WITH LANDSCAPING, PARKING, AND SIGNAGE REQUIREMENTS AS INDICATED ON APPROVED PRELIMINARY PLAN NO. 306.678. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF GROOMETOWN ROAD BETWEEN WEST VANDALIA ROAD AND AILANTHUS STREET – FOR ELIZABETH’S PIZZA GROOMETOWN, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Perry Peterson, 4297 Lantern Drive, Winston-Salem, stated that the proposed project is to increase the seating in the current restaurant by approximately 50 seats and expand the menu. In order to do so he needs a larger kitchen and more dry storage space in the existing facility.

Chair Wolf closed the public hearing.

Mr. Hails said this request is a modest reduction of some of the limitations on the site and does not modify the current commercial use. The GFLUM indicates Mixed Use Commercial on this site and the current context as well as this expansion would be in keeping with that. Staff recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Collins. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

H. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY AND LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE LB ZONING DISTRICT EXCEPT CONVENIENCE STORES WITH FUEL PUMPS, RECYCLING COLLECTION POINTS, AND SATELLITE DISHES/TV AND RADIO ANTENNAE TOWERS. 2) ANY USE WITH DRIVE-THRU SERVICE SHALL NOT BE PERMITTED. 3) NO STRUCTURE SHALL EXCEED 2 ABOVE GROUND STORIES IN HEIGHT. 4) THE EXTERIOR OF ALL STRUCTURES SHALL BE CONSTRUCTED PRIMARILY OF BRICK BUILDING MATERIALS. 5) OUTSIDE STORAGE SHALL BE PROHIBITED. 6) VEHICULAR CROSS ACCESS SHALL BE PROVIDED TO THE ADJACENT PROPERTY TO THE WEST. 7) VEHICULAR PARKING SHALL NOT BE PERMITTED BETWEEN SPRING GARDEN STREET AND THE FRONT BUILDING LINE OF THE PRINCIPAL BUILDING. 8) FREESTANDING SIGNAGE SHALL NOT EXCEED 15 FEET IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF SPRING GARDEN STREET BETWEEN PARK TERRACE AND WILLOWBROOK DRIVE – FOR DELBERT FENTRESS. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Delbert Fentress, 2823 Spring Garden Street, stated that they wish to add one condition regarding the installation of a new sidewalk.

Mr. Collins moved to approve the amended conditions, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

Joe Wood, 4103 Walker Avenue, stated that the neighborhood association voted to support the request because it is consistent with the neighborhood plan, however, they do have concerns about the walkability issues and the traffic issues involved. Those issues have been addressed.

Chair Wolf closed the public hearing.

Mr. Hails said the staff report lists a number of things from the Lindley Park Neighborhood Plan that staff feels are germane to the request. The plan calls for limited commercial use and the proposal is consistent with that. Staff recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

I. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES IN THE HB ZONING DISTRICT EXCEPT: NO SEXUALLY ORIENTED BUSINESSES; NO BARS; NO JUNKED MOTOR VEHICLES; NO LANDFILLS; NO MOTORCYCLE SALES. 2) APPLICANT SHALL CONSTRUCT A RESTAURANT BUILDING ON THE PROPERTY WHICH SHALL CONSIST SUBSTANTIALLY OF A BRICK BUILDING AND/OR MASONRY MATERIALS.

3) APPLICANT SHALL INSTALL A VEGETATIVE SCREEN (E.G. LEYLAND CYPRESS TREES) TO PROVIDE AN EVERGREEN BUFFER ALONG THE BOUNDARY LINE OF ANY AGRICULTURAL OR RESIDENTIAL ZONED PROPERTY. 4) ANY RESTAURANT OPERATED ON THE PROPERTY SHALL NOT BE OPEN FOR BUSINESS LATER THAN 11:00 P.M. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF WEST MARKET STREET AND MARSHALL SMITH ROAD – FOR DAVID LEE CARTER, JR. (CONTINUED TO JUNE MEETING)

J. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RS-12 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE RS-12 ZONING DISTRICT. 2) MAXIMUM OF EIGHTY (80) SINGLE FAMILY DETACHED LOTS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF EAST LEE STREET AND SOUTH SIDE OF CASTLETON DRIVE, EAST OF CHARIOT DRIVE AND WEST OF THE TERMINUS OF MCGINTY DRIVE – FOR K. HOVNANIAN HOMES OF NORTH CAROLINA, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, 300 N. Greene Street, stated that this property is in the eastern part of the city which is experiencing a good deal of residential growth. This is a natural continuation of Gramercy Park. The requirements for connectivity have been addressed.

Gary Hill, 4310 Regency Drive, High Point, stated that this project is compatible with surrounding properties and the traffic issues and connectivity have been addressed.

Chair Wolf asked if anyone wished to speak in opposition to the request.

Mike Purdue, 3606 Castleton Road, stated that he has tried several times to contact the developer and has been unable to get return phone calls from them. He objects to this project because he feels it will have a detrimental impact on property values. He does not feel that the proposed homes would be compatible with the area.

Ronnie Walker, 3516 Castleton Road, stated he is opposed to the project because he feels that the covenants of the development should be kept and not just scattered in the area and there should be some consistency in the neighborhood. He feels the three lots that are part of Kingsbury Estates should remain and those lots remain individual lots that will have only one house built on each lot.

J.C. Bostick, 3605 Castleton Road, stated that he would like to see the area remain as it is for single family lots.

Gay Hill spoke in rebuttal and stated that he has tried to get back in touch with Mr. Purdue but has been unable to contact him. They would like to meet with anyone that still has concerns.

The speakers in opposition spoke again, reiterating their concerns and oppositions.

Chair Wolf closed the public hearing.

Mr. Hails said there are a large number of subdivisions in this vicinity. The proposed plan is in general conformity with the GFLUM. It is felt that the road connections into some of the adjacent subbed out properties will further buffer the areas. The Comp Plan calls for a mixture in housing types and choices. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Collins. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

At this time a 10 minute break was taken from 3:55 to 4:05 p.m.

K. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY TO CENTRAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF ARLINGTON STREET BETWEEN EAST LEWIS STREET AND EAST LEE STREET – FOR ROBERT ISNER. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Bob Isner, 4 Brian Court, stated that he purchased the land and wishes to have it rezoned to put 8 townhomes facing north on the property. The proposed townhomes will be different from other structures in the Southside area.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM calls for Mixed Use Central Business and Mixed Use Residential in this area. The proposed use is consistent with both. It is felt that this use is appropriate for this type of zoning and staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

L. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE GB ZONING DISTRICT EXCEPT: SEXUALLY ORIENTED BUSINESSES, CONVENIENCE STORES WITH FUEL PUMPS, MOTOR VEHICLE SALES (NEW & USED), WIRELESS COMMUNICATION TOWERS, LAND CLEARING AND INERT DEBRIS LANDFILLS. 2) THE EXISTING BUILDING TO BE RETAINED. 3) ANY USE WITH DRIVE-THRU SERVICE SHALL NOT BE PERMITTED. 4) MAXIMUM OF ONE VEHICULAR ACCESS POINT ON WEST MARKET STREET. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF WEST MARKET STREET BETWEEN WINOLA COURT AND SOUTH WALNUT CIRCLE – FOR SCOTT BAYER. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Scott Bayer, 4 Sailview Cove, stated that he plans to renovate the old Guilford Mills building into a high-end mixed use retail service oriented building. He presented illustrative photos of the proposed renovations of the building. It is felt that the proposed use is the best use of the property. He asked that the Commission approve this project to allow investment, jobs and beautification to the city.

Leonard Hatcher, 105 Walnut Circle, stated that he feels that this renovation will help the community and the local businesses. He supports the proposed request and is looking forward to the renovation

Tom Towns, 702 Woodland Drive, stated that he is a commercial real estate broker for Guilford Mills. They have examined the various real estate assets and put in place a plan of disposition or repositioning of employees within this facility. The proposed plan would be compatible to uses in the surrounding area.

Chair Wolf closed the public hearing.

Mr. Hails said he feels this area is designated for Mixed Use Commercial re-investment corridor and the proposed plan appears to be in keeping with that use especially with the conditions addressed. The question is whether this is a feasible location in which to introduce a mixture of uses or whether a straight rezoning from light industrial to business use with a fairly narrow list of conditions is justified. There were questions concerning whether the proposed project would meet the Mixed Use goals of the Plan. This is an aging area where the demand for industrial property clearly is not as strong as it used to be. It is felt that there is the opportunity to attach some conditions to this request to ensure more of a Mixed Use development either in terms of committing to some non-retail uses, more commitment to pedestrian amenities and things related to the sketch attached to the proposal. Staff recommends denial of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

M. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOUSE TYPE UNITS DESIGNED FOR SALE. 2) TOWNHOUSE UNITS WILL BE CONSTRUCTED WITH BRICK EXTERIOR WITH MAXIMUM OF TWO STORIES IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF WILSHIRE DRIVE AT THE TERMINUS OF SHAMROCK DRIVE – FOR WALLACE G. FREEMON, JR. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Randy Dixon, 1205 W. Bessemer Avenue, presented information for the Commission members and stated that the preliminary concept plan is compatible with the surrounding area. This will provide a safe, well-maintained livable neighborhood and provide a high standard of development quality as well as provide a balanced investment and supports infill. They have met with the residents of the neighborhood to explain the proposed development to them.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM calls for Low Residential use of this site with 3 to 5 units per acre. This proposal conforms with that recommendation and also provides for other Comp Plan recommended policies related to mixture of units and choices in an area. There would be a required buffer between

multifamily and single family as per the ordinance requirements. Many of the specific details proposed by the developer are beyond what is required in the conditions attached. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

N. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOMES DESIGNED FOR SALE. 2) TOWNHOMES SHALL BE CONSTRUCTED WITH PRIMARY BUILDING MATERIALS OF BRICK, STONE, MASONRY, WOOD OR GLASS. 3) TOWNHOMES SHALL NOT EXCEED TWO STORIES IN HEIGHT. 4) ANY FREESTANDING EXTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJOINING PROPERTIES. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF FOUR FARMS ROAD SOUTH OF HORSE PEN CREEK ROAD – FOR CANOY W. BLAIR. (UNFAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, 101 W. Friendly Avenue, attorney representing the applicant, presented materials for review and stated that they wish to add conditions:

- 5) Subject to approval of the applicable utility companies, all utility lines serving the townhomes on the subject property shall be located underground.
- 6) The planting rate within the street planting yard along the western line of the subject property shall be at double the required planting rate.
- 7) Applicant shall install a monument entrance sign at the subject property, subject to applicable ordinances and regulations.

Mr. Gilmer moved to approve the additional conditions, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Haynes, Kauber, Shipman and Spangler. Nays: None.)

Marc Isaacson explained the proposed plan in detail and presented drawings and photos for illustrative purposes only. He stated that there will be a homeowners association that will maintain the property and a requirement for restrictive covenants on what kinds of buildings can be located on the property. They have met with the neighbors and addressed their questions and concerns. There are no concerns with public health or safety and there is compatibility with townhomes and the different property uses in the area. There would be no negative impact on property values in the area and the proposed development is compatible with the GFLUM and Comp Plan.

Chair Wolf asked if there was anyone present wishing to speak in opposition to the request.

Emily Boswell, 3732 Wayfairer Drive, stated that she was not speaking in opposition but she did have concerns about the loss of trees on the property between the proposed development and the single family residential property in the area.

Stan Tennant, 4327 Four Farms Road, stated that he was only opposed to the development because he is concerned that the development will not be compatible and he is concerned about the increase in traffic and the two proposed entrances and exits.

Kirk Weddle, 4355 Four Farms Road, stated that he is also concerned about the increase in traffic not only for the residential but also the commercial development that will follow.

Marty Lawlor, 4359 Four Farms Road, said he is also opposed because of the increase in traffic. He feels that a turn lane should be constructed at Horse Pen Creek Road.

Mr. Hails reported that in the staff report it indicates that there will not be two access points on the proposed property.

Jeff Skeahan, 4324 Four Farms Road, said he agrees with the other speakers and has the same concerns. He would also like to see garage units on the townhomes.

Tom Berry, 4323 Four Farms Road, said his biggest concern is also the increase in traffic and the safety issues involved. They would like to see 6 units per acre instead of the proposed 8 units.

Jack Crutchfield, 4305 Four Farms Road, said he concurs with the previous speakers and his main concern is the increase in traffic and the landscaping of the development. The three main objections are the traffic, density and the price and quality of the development.

Marc Isaacson stated that the trees to the south of the property are owned by the Deerfield Village homeowner association and are safe with no disturbance of that area as a result of this project. The plan submitted is only preliminary and is subject to input from the neighbors. He pointed out that the proposed land use is compatible with the surrounding area.

Marty Lawlor stated that the developers still have not addressed the traffic issues. His questions and concerns were addressed by Bill Judge of the GDOT.

Chair Wolf closed the public hearing.

Mr. Hails said several proposals over the past few months have been between a commercial area and a single family area and staff is trying to have some consistency in how they are treated. The GFLUM shows a line cutting through that includes this site in a Mixed Use Residential designation. Immediately west of the site is Low Residential. In looking at a fuzzy line analysis of whether that Mixed Use Residential makes sense they did look at the surrounding land uses. He pointed out that some improvements are planned in regard to traffic in the Battleground area and the larger expansion of Battleground may or may not provide some additional assistance. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 3-4 in favor of the Motion and the request was unfavorably recommended. (Ayes: Collins, Gilmer, Shipman. Nays: Kauber, Wolf, Spangler, Haynes.)

O. AN ORDINANCE REZONING FROM GENERAL BUSINESS TO CENTRAL BUSINESS – FOR THE PROPERTY BOUNDED BY BATTLEGROUND AVENUE, NORTH EUGENE STREET, WEST SMITH STREET AND NORTH EDGEWORTH STREET – FOR BELLEMEADE DEVELOPMENT, LLC. (CONTINUED TO JUNE MEETING)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails noted that at City Council's work session last month, they briefly revisited the topic of possible merger of the Zoning Commission and Planning Board and indicated that they have lost their interest in the topic and it is a dead issue.

In response to a question, Mr. Ruska stated that Council did address lengthy meetings by the Zoning Commission and looked for several possible solutions. One that was primarily discussed was that it might be possible to reduce the amount of time given per side in a zoning case. Chair Wolf asked that the Commission members give this issue some thought and it would be discussed at the next meeting. Mr. Hails suggested some other alternatives for the members to consider.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

ACKNOWLEDGMENT OF ABSENCES:

The absence of Mr. Byrd and Mr. Schneider were acknowledged.

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There being no further business before the Commission, the meeting was adjourned at 6:15 p.m.

Respectfully Submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.jd